

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 12 and 19 have been amended hereby to clarify the subject matter thereof. Claims 12 and 15-23 are pending examination.

Claim 12 and 15-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martin et al. (U.S. Pat. 5,848,398 "Martin") in view of Johnny Rockets Name That Tune ("Johnny Rockets") and further in view of Tom & Liz's Name That Tune ("Tom & Liz") and Winsky et al (U.S. Pat. 5,739,451). For at least the following reasons, Applicant believes that the pending claims, as amended, are allowable over the prior art of record.

Every element of the combination taught in independent claims 12 and 19 is not present in the applied references. For example, claim 12 recites, *inter alia*, "a game module operable to automatically control, for the needs of the game, the updating of the customized libraries of musical recordings stored in a jukebox system." Similarly, claim 19 recites, "a game module operable to automatically control, for the needs of the game, the updating of said library of musical recordings."

The Office Action concedes that Martin does not teach "updating of the customized libraries of musical recordings stored on the jukebox system with musical recordings stored on the server for the needs of the game" and introduces Tom and Liz to compensate for this deficiency of Martin. Applicant notes that what was claimed was "a

game module operable to control” said updating, and further, the game module is now stated as being “operable to automatically control” said updating. Tom and Liz is silent as to how updating is done. Applicant submits that Tom and Liz appears to be manually updated by a person once per week. Nothing in Tom and Liz teaches or suggests that “a game module” is “automatically” updating anything on the site. Thus, a combination of Martin and Tom and Liz could have resulted in a jukebox system whereby a manual update was done by say, an owner or operator, once per week. This is wholly different from the claimed “game module operable to automatically control, for the needs of the game, the updating of the customized libraries of musical recordings stored in a jukebox system.” Neither Johnny Rockets nor Winsky teaches or suggests a game module operable to automatically update anything.

Thus, for at least this reason, Applicant submits that claims 12 and 19 are allowable over the prior art of record. Claims 15-18 and 20-23 should be allowable based at least on their respective dependencies from claims 12 and 19.

Also, the Office Action admits that neither Martin nor Johnny Rockets includes “the server collects game performance information for a plurality of different users and ranks the users according to their performance” as recited by claim 16. The Office Action introduces Tom & Liz to provide this element.

As noted in the previous response, in the system of Tom & Liz, the players in the game email their answers to Tom and Liz. Tom & Liz does not teach or suggest that the server is collecting any game performance information, or that the server, as opposed to

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July 12, 2007

the person reading the emails, is ranking users according to their performance. Nor is this feature inherent in the system of Tom & Liz, as there are many different ways that the answers could be processed and the players could be ranked.¹

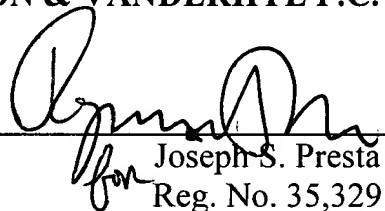
For at least this additional reason, Applicant submits that claim 16 and claims 17 and 18 dependent therefrom are patentable over the prior art of record.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Should the Examiner have any questions regarding this application, or deem that any formal matters need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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¹ Applicant contacted Tom & Liz via email, and was told in a response email that the process was done by hand, not automatically (see attached).